

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

BATES ENERGY OIL & GAS, LLC,

PLAINTIFF

v.

COMPLETE OIL FIELD SERVICES, LLC AND
SAM TAYLOR,

DEFENDANTS

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CIVIL ACTION NO. SA-17-CV-00808-XR

**COUNTER-DEFENDANTS EQUITY LIAISON COMPANY AND DEWAYNE D. NAUMANN’S
RESPONSE TO COMPLETE OIL FIELD SERVICES LLC’S
MOTION TO RELEASE FUNDS HELD IN COURT REGISTRY**

Counter-Defendants Equity Liaison Company (“ELC”) and Dewayne D. Naumann file this Response to Complete Oil Field Services LLC’s Motion to Release Funds Held in Court Registry, showing the Court as follows:

1. ELC and Naumann disagree with certain of the factual allegations contained within the Motion filed by Complete Oil Field Services LLC (“COFS”). For example, ELC and Naumann do not agree that ELC’s accounting revealed “substantial irregularities” or that it was in any way improper or “unauthorized” for ELC to redact information unrelated to this dispute from bank statements provided to COFS as alleged in the Motion. *See* Motion ¶ 3. Naumann further disagrees that he personally “simultaneously served as both a neutral escrow agent, and as a pay agent for Bates Energy” or “made substantial disbursements of funds out of the ELC Escrow Account” or undertook any other complained-of actions in his individual capacity as alleged in the Motion. *See, e.g.,* Motion ¶¶ 6-7, 11-13, 17-18, 21. ELC and Nauman further disagree that they

undertook any conduct constituting gross negligence or willful misconduct as alleged in paragraph 25 of the Motion.

2. ELC and Naumann are not making and have never made a claim to the funds deposited in the Registry of the Court. ELC agrees with COFS's statement that ELC's indemnity claim is not a claim against the escrow fund itself. ELC and Naumann therefore take no position regarding the relief requested by COFS in the Motion.

Respectfully submitted,

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**ATTORNEYS FOR COUNTER-DEFENDANTS
EQUITY LIAISON COMPANY AND
DEWAYNE D. NAUMANN**

CERTIFICATE OF SERVICE

I certify that on the 18th day of January 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

Lamont A. Jefferson
LJefferson@jeffersoncano.com
Lisa S. Barkley
LBarkley@jeffersoncano.com
JEFFERSON CANO
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and that the following was served by regular mail:

Bates Energy Oil & Gas, LLC
3201 Cherry Ridge, Bldg. B, Ste. B210
San Antonio, Texas 78230

/s/ Leslie Sara Hyman

Leslie Sara Hyman